

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

MOHAMMED ABU-FARHA, and
DUHA ABU-FARHA,

Debtors.

Case No. 21-42430
Chapter 7
Judge Thomas J. Tucker

**ORDER DENYING THE DEBTORS' MOTION FOR SANCTIONS AGAINST
BIG HOUSE TOWING L.L.C. FOR FAILURE TO COMPLY WITH A SUBPOENA**

This case is before the Court on the Debtors' motion entitled "Motion for Sanctions from Big House Towing L.L.C. for Failure to Comply with a Subpoena," filed on May 20, 2021 (Docket # 20, the "Motion"). The Motion seeks an award of sanctions against Big House Towing, L.L.C. in the total amount of \$1,051.92, based on Big House Towing L.L.C.'s failure to comply with a subpoena issued by the Debtors' counsel on April 30, 2021 (Docket # 19, the "Subpoena"). On June 8, 2021, the Debtors filed a Certification of Non-Response, indicating that no one timely objected to the Motion. But the Court will deny the Motion, for the following reasons.

In order for the Subpoena to be valid and enforceable, the Debtors' counsel first had to obtain an order under Fed. R. Bankr. P. 2004 authorizing the Debtors to subpoena Big House Towing, L.L.C. for documents, or to conduct other discovery. *See In re Murray*, 620 B.R. 286, 287 (Bankr. E.D. Mich. 2020) and cases cited therein. No contested matter was pending in this case when the Subpoena was issued, and even if there had been a contested matter pending under LBR 7026-3 (E.D. Mich.), "[d]iscovery in a contested matter is permitted only upon a court order for cause shown."

Because the Debtors' counsel did not obtain an order of the Court authorizing him to subpoena Big House Towing, L.L.C., the Subpoena is invalid and will not be enforced, and the Motion will be denied.

Accordingly,

IT IS ORDERED that the Motion (Docket # 20), is denied.

Signed on June 8, 2021



/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge